IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4912 of 2005

Between:

All Castes Landless Poor People Association, Rep. by its President, Dasari Dharmaiah, S/o. Veeranna, Aged about 45 Years, Caste Backward Class, R/o. Komarajulanka Village, Ravulapalem Mandal, East Godavari District.

..... PETITIONER

AND

1 The District Collector, East Godavari at Kakinada.
2 The Mandal Revenue Officer, Alamuru Mandal, East Godavari District.
3 Station House Officer, Alamuru Police Station, Alamuru Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in resorting to evict the members of the Petitioner's Association from the lands in an extent of Acres 50, out of which each member of the Association s in possession and enjoyment of Ac.0.42 Cents in Survey Nos: 501 to 519 situated at Alamuru Village, Alamuru Mandal, East Godavari District, (which was described in Annexure-I filed along with the Writ Petition) as illegal, arbitrary, and violative of Article 300-A and Article 31-A (1) and Article 21 of the Constitution of India and in violation of principles of natural justice and consequently direct the Respondents not to evict the members of the Petitioner Association from the lands which are in their possession and occupation since a long time.

Counsel for the Petitioner: MR.POLISETTI RADHAKRISHNA

Counsel for the Respondents 1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: GP for Home

The Court at the admission stage made the following :

ORDER:

The petitioner is an association of persons claiming to be in possession and enjoyment of small bits of land in Survey Nos.501 to 519 of Alamuru Vilage, Alamuru Mandal, East Godavari District. According to it, the land in those Survey Numbers is river poramboke and since last several decades, the members of the petitioner-association are in possession and enjoyment of Ac.0.42 cents each. Its grievance is that the respondents are trying to evict its members without initiating any proceedings.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

From the material placed before this Court, it is too difficult to record any finding as to the nature of possession or rights of the members of the petitioner-society over the land referred to above. The petitioner asserts that its members are in possession since last several decades. They do not assert any right of ownership. Even assuming that the Government intends to clear any encroachment from any land belonging to it, it has to follow the procedure prescribed by law, particularly the one under the A.P. Land Encroachment Act. This Court does not intend to record any finding as regards the nature of possession or the rights of the members of petitioner-association over the land in Survey Nos.501 to 519 of Alamuru Village.

Hence, the writ petition is disposed of, directing that the respondents shall follow the procedure prescribed by law and issue notices to the members of the petitioner-association, before any action is taken for resumption of land. There shall be no order as to costs.

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11.03.2005

Note: Issue C.C. by 14.03.2005.

(B/o)

Jsu

To

1 The District Collector, East Godavari at Kakinada.
2 The Mandal Revenue Officer, Alamuru Mandal, East Godavari District.
3 Station House Officer, Alamuru Police Station, Alamuru Mandal, East Godavari District.

4 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad. (OUT)

5 2 CCs to the G.P. for Home, High Court Buildings, Hyderabad. (OUT)

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